

**IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF TENNESSEE**

LORI WILHOIT

Plaintiff,

v.

TIME INSURANCE COMPANY

Defendant.

Civil Action No. 2:08-cv-00304

PLAINTIFF’S, LORI WILHOIT’S MOTION FOR SUMMARY JUDGMENT

Comes the plaintiff, Lori Wilhoit (hereinafter referred to as “Wilhoit”), pursuant to F.R.C.P. 56 and moves this Court for an order granting summary judgment in her favor. There is no issue as to any genuine material fact with respect to Wilhoit’s claim for benefits under the Medical Certificate issued to Wilhoit by Time Insurance Company (hereinafter referred to as “Time”) and Wilhoit is entitled to judgment as a matter of law. Alternatively, the contract between Wilhoit and Time is ambiguous and must be resolved in favor of Wilhoit, the insured.

Wilhoit/Movant relies upon the contemporaneously filed Plaintiff’s, Lori Wilhoit’s Concise Statement of Undisputed Material Facts in Support of Wilhoit’s Motion for Summary Judgment, the declaration of Lisa J. Broyles, M.D., Wilhoit’s affidavit, and Plaintiff’s Brief in Support of Wilhoit’s Motion for Summary Judgment.

s/Howell H. Sherrod, r.

Howell H. Sherrod, Jr.
TN BPR #842
249 East Main Street
Johnson City, TN 37604
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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2009 a copy of the foregoing Plaintiff's Motion for Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/Howell H. Sherrod, Jr.

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